

## **REMARKS**

With this Response, claims 1-2, 6, 8-12, 23, 25-28, and 32-35 are amended. Applicants respectfully request that claims 36-38 be canceled without prejudice. No claims are added. Therefore, claims 1-35 are pending.

## **SPECIFICATION OBJECTIONS**

The Abstract was objected to as including a paragraph number. Applicants provide herewith an amended Abstract that does not include a paragraph number. Therefore, Applicants respectfully request that the objection be withdrawn.

The Specification was objected to because of various informalities. Specifically, paragraph [0018] and [0025] had typographical errors. Applicants provide herewith amended paragraphs that Applicants believe overcome the objection. Therefore, Applicants respectfully request that the objection be withdrawn.

## **CLAIM OBJECTIONS**

The claims were objected to for various informalities. Specifically, the following bulleted list includes determinations made in the Office Action, and the manner in which each is addressed by Applicants:

- Claims 1, 6, and 32 omitted the word "and" after the second-to-last limitation. Applicants provide appropriate correction to these claims with amendments reflected in the claim listing.
- Claims 1, 32, and 36 were deemed to lack explicit antecedent basis for the term "the objects," which could be remedied through amendment to the expression --the software objects--. Applicants have amended these claims (and certain dependent claims not listed in the Office Action to include the expression "the software objects." Applicants therefore submit that appropriate correction has been made.
- Claims 2-5, 33-35, and 37-38 were objected to as depending from claims 1, 32, and 36. Appropriate correction has been made with claim amendments included herein.
- Claim 23 included the term "the computer-implemented method," while other claims dependent from claim 22 simply state "the method." Claim 23 is amended herein to

be consistent with the other dependent claims. This claim also included a typographical error that has been corrected.

- Claims 34-35 included the phrase "wherein the method," which was deemed inconsistent with claim 33. Appropriate correction is made herein.
- Claim 37 included the expression "further comprising," which was deemed to read better as --wherein--. This claim is canceled herein, rendering this objection moot.
- Claims 37-38 included the expression "further comprise," which was deemed to read better as --further comprising--. These claims are canceled herein, rendering this objection moot.

In each instance listed above, Applicants include correction in the objected claims. Therefore, Applicants respectfully submit that each objection is overcome, and request that the objections be withdrawn.

#### **CLAIM REJECTIONS - 35 U.S.C. § 112**

Claim 10 was rejected under 35 U.S.C. § 112, second paragraph, "as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention." Specifically, claim 10 recited "a small number," which was deemed to be a relative term that does not provide a standard of ascertaining the scope of the claim. Applicants have amended claim 10 herein to eliminate reference to the relative term. Therefore, Applicants respectfully submit that the claim rejection is overcome, and request that the rejection be withdrawn.

#### **CLAIM REJECTIONS - 35 U.S.C. § 101**

Claims 1-21 and 26-38 were rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter.

#### **Claims 1, 3-5, 26, 32, 34-36, and 38**

These claims were rejected as including an "if" statement that would not produce a concrete, tangible, and useful result if the "if" condition did not occur. Claims 36 and 38 are canceled herein, rendering rejection of these claims moot. Without addressing the merits of the

rejection, Applicants include herein an alternative condition to the "if" statement in the remaining independent claims. Thus, regardless of the outcome of the "if" condition, Applicants submit that the claims recite a concrete, tangible, and useful result. Thus, Applicants respectfully request that the rejection of these claims be withdrawn.

**Claims 1, 3, 32, and 35**

These claims were rejected as being directed to the act of "allowing," which is deemed in the Office Action to not produce a concrete, tangible, and useful result. Applicants submit that regardless of whether the "allowing" would produce a concrete, tangible, and useful result, Applicants have amended these claims herein. Applicants submit that regardless of the original claims, the amended claims produce a concrete, tangible, and useful result. Therefore, Applicants respectfully request that the rejection of these claims be withdrawn.

**Claims 2, 6-21, 33, and 37**

These claims were rejected as being directed to the act of "determining," which is deemed in the Office Action to not produce a concrete, tangible, and useful result. Claim 37 is canceled herein, rendering rejection of this claim moot. Applicants submit that regardless of whether the "determining" would produce a concrete, tangible, and useful result, Applicants have amended the independent claims herein. Applicants submit that regardless of the original claims, the amended claims produce a concrete, tangible, and useful result. Therefore, Applicants respectfully request that the rejection of these claims be withdrawn.

**Claims 26-31**

These claims were rejected as being directed to functional descriptive material per se, and thus non-statutory. Applicants respectfully submit that the rejection of these claims is self-contradictory. The Office Action refers to the claims as software per se, because the claims can reasonably be interpreted as including software elements. However, the Specification at paragraph [0040] explicitly states that "hardwired circuitry of firmware may be used in place of software, or in combination with software, to implement the features described herein. Thus, the invention is not limited to any specific combination of hardware circuitry and software...." Applicants respectfully submit that just as a reasonable interpretation of the claims could infer

the use of software elements, the Specification is clear to suggest that hardware circuits could also be included. Thus, Applicants submit that the Office Action is eliminating a possible interpretation of the claims, supported by the Specification, to reject the claims. Per MPEP § 2111, "During patent examination, the pending claims must be given their broadest reasonable interpretation...." Citations omitted. Applicants submit that by eliminating a possible interpretation described in the Specification, the Office Action is giving a narrowing interpretation to the claims, in contradiction of the principle recited in MPEP § 2111. Applicants therefore respectfully submit that this rejection of the claims is improper, and request that it be withdrawn.

### **Claims 36-38**

These claims were rejected as lacking specific corresponding structure described in the Specification. These claims are canceled herein, rendering rejection of these claims moot. Thus, Applicants need not address the merits of the rejection.

### **CLAIM REJECTIONS - 35 U.S.C. § 102**

Claims 1-4, 6-20, 22-27, 29-34, and 36-37 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,519,767 of Carter et al. (hereinafter "Carter"). Claims 36-37 are canceled herein, rendering rejection of these claims moot. Applicants submit that the claims are patentable over the cited reference for at least the following reasons.

Claims 1, 6, 22, 26, and 32 are the pending independent claims, and each recite limitations directed to compatibility of software objects shared between two subsystems. As one example, claim 1 as amended herein recites the following:

automatically detecting **a change introduced into a software object** of a first software subsystem, wherein the software object is used by software objects of a second software subsystem;

**determining whether the change is compatible with the software objects of the second software subsystem;** and

implementing the introduced change to generate an updated software object if the change is compatible with the software objects of the second software subsystem without introducing any changes into the software objects of the second software subsystem; otherwise,

rejecting the introduced change and generating an error notification.

As mentioned above, the remaining independent claims similarly recite limitations directed to identifying a change of a software object of a first software subsystem used by a second software subsystem, and determining compatibility of the change with the second software subsystem.

As Applicants have understood the cited reference, Carter discusses the compatibility of an **application server** with a **previous version of the same application server**. The application server provides a way for objects supplied by one application program to be controlled by another application program. See col. 1, lines 50 to 65. Very specifically, the Carter reference is concerned with the **compatibility of changes to the interfaces of the application servers**. See, e.g., col. 1, line 64 to col. 2, line 23. The definition of incompatibility in Carter is instructive. Incompatibility is defined such that an update or modification to an **object server** causes the object server to **not support the same interfaces** as its predecessor object server. See col. 3, lines 29 to 41. Also instructive is the "preferred embodiment" of the so-called "compatibility analyzer" at col. 13, line 47 to col. 14, line 16. Specifically, "In the preferred embodiment, version compatibility analyzer 70 performs this comparison by comparing the type information of each class in new object server 64 to the type information of [an] identically named class in existing object server's type library 150." Applicants note the significant absence of any detecting of a change to a software object, in contrast to what is recited in Applicants' claims. As appears from the cited reference, Carter fails to consider changes at all to a software object, and is rather concerned with changes to interfaces of object servers, which is not the same thing. Applicants thus submit that the claimed invention includes at least one feature not disclosed or suggested in the cited reference. Accordingly, the cited reference fails to support an anticipation under MPEP § 2131 of the independent claims.

The dependent claims necessarily include the limitations of the independent claims from which they depend. Therefore, the dependent claims are necessarily patentable over the cited reference for at least the reasons set forth above with respect to the independent claims. Applicants therefore respectfully request that the rejection of these claims be withdrawn.

#### **CLAIM REJECTIONS - 35 U.S.C. § 103**

Claims 5, 21, 28, 35, and 38 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Carter in view of U.S. Patent No. 6,658,659 of Hiller et al. (hereinafter "Hiller"). Claim 38 is canceled herein, rendering rejection of this claim moot. Applicants

respectfully submit that the remaining claims are patentable over the cited references for at least the following reasons.

These claims depend from the independent claims discussed above. As per pages 21-23 of the Office Action, the rejection of these claims is based upon the rejection of claims discussed above. As set forth above, the Carter reference fails to support the rejection of the claims from which these claims depend. The Hiller reference is not cited as curing the deficiencies of the Carter reference set forth above. As Applicants have understood the cited reference, Hiller fails to cure the deficiencies of Carter. As Applicants have understood the reference, Hiller discusses determining whether to load software modules that are compatible with one another, and fails to disclose or suggest identifying a change of a software object of a first software subsystem used by a second software subsystem, and determining compatibility of the change with the second software subsystem, in contrast to what is recited in Applicants' claims. Thus, whether alone or in combination, the cited references fail to disclose or suggest at least one feature of the claimed invention, and so fail to render either the independent claims or these claims unpatentable. Applicants therefore respectfully request that the rejection of these claims be withdrawn.

**CONCLUSION**

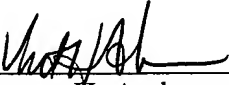
For at least the foregoing reasons, Applicants submit that the rejections of the claims have been overcome herein, placing all pending claims in condition for allowance. Such action is earnestly solicited. The Examiner is respectfully requested to contact the undersigned by telephone if such contact would further the examination of the above-referenced application.

The Commissioner is hereby authorized to charge or credit any deficiencies or over-payments to Deposit Account No. 02-2666.

Respectfully submitted,

**BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN, LLP**

Date: February 5, 2007

  
\_\_\_\_\_  
Vincent H. Anderson  
Reg. No. 54,962

12400 Wilshire Blvd.  
Seventh Floor  
Los Angeles, CA 90025-1026  
Telephone: (503) 439-8778

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail on the below date with sufficient postage in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450

Signature: 

Theresa Belland

2/5/07

Date